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EXAMINER

JONES, HEATHER RAE

ART UNIT	PAPER NUMBER
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2621

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/602,343	KASHIWA, KOTARO	
	Examiner	Art Unit	
	Heather R. Jones	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 15-45 and 58-72 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 15-45 and 58-72 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 June 2003 and 25 June 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-7, 15-45, and 58-72 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 5, 7, 15, 17, 19, 21-24, 26-36, 38-45, 58-60, 62-72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seki et al. (U.S. Patent 7,154,534) in view of Bell (U.S. Patent 6,061,532).

Regarding claim 1, Seki et al. discloses a content project creating method comprising the steps of: selecting a template from a plurality of templates, each template containing a setting of a scene arrangement of a plurality of scenes of content (Figs. 37 and 89; col. 29, lines 40-51; col. 31, lines 17-32); producing scene setting data for a scene included in the template selected in the selecting step by setting details of the scene using existing material data or newly created data (col. 30, lines 29-40); and outputting content project data constructed by managing the scene setting data on the basis of the scene arrangement set in the template (col. 30, line 65 – col. 31, line 5). However, Seki et al. fails to

disclose that the template is a scene arrangement sequence for the plurality of scenes set in advance for a story structure of the video content.

Referring to the Bell reference, Bell discloses a content project creating method comprising providing templates, wherein the template is a scene arrangement sequence for the plurality of scenes set in advance for a story structure of the video content (col. 3, lines 20-35).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided templates depicting scene arrangement sequences for the plurality of scenes set in advance for a story structure of the video content as disclosed by Bell with the templates disclosed by Seki et al. in order create personalized video presentations that tell a story.

Regarding claim 3, Seki et al. in view of Bell discloses all the limitations as previously discussed with respect to claim 1 as well as the method further comprising the step of setting details of image processing in accordance with the scene arrangement set in the template or in association with each of the scenes (Seki et al.: Figs. 37 and 89; col. 29, lines 40-51; col. 31, lines 17-32).

Regarding claim 5, Seki et al. in view of Bell discloses all the limitations as previously discussed with respect to claim 1 including that in the content project data outputting step, the content project data is read (Seki et al.: col. 30, line 65 – col. 31, line 5).

Regarding claim 7, Seki et al. in view of Bell discloses all the limitations as previously discussed with respect to claim 1 including that the content project

data outputting step, the content project data is transmitted (Seki et al: col. 30, lines 65-67).

Regarding claims **15, 17, 19, and 21**, these are program recording medium claims corresponding to the method claims 1, 3, 5, and 7. Therefore claims 15, 17, 19, and 21 are analyzed and rejected as previously discussed with respect to claims 1, 3, 5, and 7. Furthermore, the computer disclosed by Seki et al. has a CPU that would store the program.

Regarding claim **22**, Seki et al. discloses an imaging apparatus comprising: imaging means (102) for capturing an image and generating a video image signal; processing means (115) for processing the video image signal; obtaining means (109) for obtaining content project data in form of a template selected from a plurality of templates, each template including scene setting data for each scene included in a scene arrangement of a plurality of scenes of content; display control means for displaying details of the content project data on a display device (104); and imaging control means (112) for controlling selection of a scene of the content project data, the capturing of the image by the imaging means, and the processing of the video image signal by the processing means (col. 11, line 45 – col. 13, line 61). However, Seki et al. fails to disclose that the template is a scene arrangement sequence for the plurality of scenes set in advance for a story structure of the video content.

Referring to the Bell reference, Bell discloses a content project creating method comprising providing templates, wherein the template is a scene

arrangement sequence for the plurality of scenes set in advance for a story structure of the video content (col. 3, lines 20-35).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided templates depicting scene arrangement sequences for the plurality of scenes set in advance for a story structure of the video content as disclosed by Bell with the templates disclosed by Seki et al. in order create personalized video presentations that tell a story.

Regarding claim **23**, Seki et al. in view of Bell discloses all the limitations as previously discussed with respect to claim 22 including that the processing means records the video image signal on a recording medium, and the imaging apparatus further comprises: management information updating means for updating management information for the content project data so that the video image signal captured by the imaging means and recorded on the recording medium by the processing means while the scene of the content project data is selected is allocated to the scene arrangement of the content project data (Seki et al.: Fig. 35).

Regarding claim **24**, Seki et al. in view of Bell discloses all the limitations as previously discussed with respect to claim 22 as well as the apparatus further comprising communication means for communicating with an outside, wherein the processing means transmits the video image signal from the communication means, and wherein the imaging control means transmits, upon transmission, from the communication means, of the video image signal captured by the

imaging means while the scene of the content project data is selected, information on the selected scene (Seki et al.: col. 12, lines 53-55).

Regarding claim **26**, Seki et al. in view of Bell discloses all the limitations as previously discussed with respect to claim 22 including that the obtaining means obtains the content project data recorded on a recording medium differing from the recording medium placed on the processing means (Seki et al.: col. 12, lines 51-60).

Regarding claim **27**, Seki et al. in view of Bell discloses all the limitations as previously discussed with respect to claim 22 as well as the apparatus further comprising communication means for communicating with an outside, wherein the obtaining means obtains the content project data received by the communication means (Seki et al.: col. 12, lines 53-55).

Regarding claim **28**, Seki et al. in view of Bell discloses all the limitations as previously discussed with respect to claim 22 including that the display control means displays the scene setting data associated with the selected scene on the display device, the displayed scene setting data serving as the details of the content project data (Seki et al.: Figs. 37 and 89; col. 29, lines 40-51; col. 31, lines 17-32).

Regarding claim **29**, Seki et al. in view of Bell discloses all the limitations as previously discussed with respect to claim 22 including that upon capturing the image by the imaging means while the scene of the content project data is selected, the display control means displays, on the display device, the scene

setting data associated with the selected scene and the video image signal generated by the imaging means (Seki et al.: Fig. 29).

Regarding claim **30**, Seki et al. in view of Bell discloses all the limitations as previously discussed with respect to claims 22 and 23 including that the display control means displays, on the display device, a video image that includes the video image signal allocated by the management information updating means to the scene arrangement of the content project data and that is based on the content project data (Seki et al.: Fig. 29).

Regarding claim **31**, Seki et al. in view of Bell discloses all the limitations as previously discussed with respect to claims 22 and 23 including that the imaging control means sets the execution time for the imaging means to capture the image and for the processing means to record the video image signal on the recording medium while the scene of the content project data is selected on the basis of scene time information included in the content project data (Seki et al.: Figs. 37 and 89; col. 29, lines 40-51; col. 31, lines 17-32).

Regarding claim **32**, Seki et al. in view of Bell discloses all the limitations as previously discussed with respect to claims 22 and 24 including that the imaging control means sets the execution time for the imaging means to capture the image and for the processing means to record the video image signal on the recording medium while the scene of the content project data is selected on the basis of scene time information included in the content project data (Seki et al.: Figs. 37 and 89; col. 29, lines 40-51; col. 31, lines 17-32).

Regarding claim **33**, Seki et al. in view of Bell discloses all the limitations as previously discussed with respect to claims 22 and 23 as well as the apparatus further comprising editing means for editing the video image signal captured by the imaging means and recorded on the recording medium by the processing means while the scene of the content project data is selected (Seki et al.: col. 30, lines 49-57).

Regarding claims **34-36** and **38-45**, these are method claims corresponding to the apparatus claims 22-24 and 26-33. Therefore, claims 34-36 and 38-45 are analyzed and rejected as previously discussed with respect to claims 22-24 and 36-33.

Regarding claims **58-60** and **62-69**, these are program recording medium claims corresponding to the apparatus claims 22-24 and 26-33. Therefore claims 58-60 and 62-69 are analyzed and rejected as previously discussed with respect to claims 22-24 and 26-33. Furthermore, the computer disclosed by Seki et al. has a CPU that would store the program.

Regarding claims **70-72**, these are system claims comprising claims 1 and 22-24. Therefore, claims 70-72 are analyzed and rejected as previously discussed with respect to claims 1 and 22-24.

4. Claims 2, 4, 6, 16, 18, 20, 25, 37, and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seki et al. in view of Bell as applied to claims 1, 8, 15, 22 34, 46, and 58 above, and further in view of Kato et al. (U.S. Patent 7,020,381).

Regarding claim 2, Seki et al. in view of Bell discloses all the limitations as previously discussed with respect to claim 1, but fails to disclose the method further comprising the step of setting details of audio in accordance with the scene arrangement set in the template or in association with each of the scenes.

Referring to the Kato et al. reference, Kato et al. discloses a video editing apparatus wherein the details of audio in accordance with the scene arrangement can be set (Fig. 9).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included audio along with the scene arrangement as Kato et al. discloses with the template for the scene arrangement as disclosed by Seki et al. in view of Bell in order to include audio with the images to make them more realistic by including the surrounding noises.

Regarding claim 4, Seki et al. in view of Bell discloses all the limitations as previously discussed with respect to claim 1, but fails to disclose the step of changing the scene arrangement set in the template.

Referring to the Kato et al. reference, Kato et al. discloses a video editing apparatus comprising the step of changing the scene arrangement set in the template (Fig. 9 – the user can cut images therefore changing the scene arrangement).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have allowed the user to change the scene arrangement as disclosed by Kato et al. in the method disclosed by Seki et al. in

view of Bell in order to allow the user to change their ideas on the scene arrangement based on the images they received during the shooting operation.

Regarding claim **6**, Seki et al. in view of Bell discloses all the limitations as previously discussed with respect to claim 1, but fails to disclose that the content project data is recorded on a recording medium.

Referring to the Kato et al. reference, Kato et al. discloses a video editing apparatus wherein the content project data is recorded on a recording medium.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have stored the content project data on a recording medium as disclosed by Kato et al. instead of transmitting the content project data to the camera as disclosed by Seki et al. in view of Bell in order to allow the camera to have more versatility because transmitting information may not be available in all locations.

Regarding claims **16**, **18**, and **20**, these are program recording medium claims corresponding to the method claims 2, 4, and 6. Therefore claims 16, 18, and 20 are analyzed and rejected as previously discussed with respect to claims 2, 4, and 6. Furthermore, the computer disclosed by Seki et al. has a CPU that would store the program.

Regarding claim **25**, Seki et al. in view of Bell discloses all the limitations as previously discussed with respect to claims 22 and 23, but fails to disclose the obtaining means obtains the content project data recorded on the recording medium placed on the processing means.

Referring to the Kato et al. reference, Kato et al. discloses a video editing apparatus wherein the content project data is recorded on a recording medium.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have stored the content project data on a recording medium as disclosed by Kato et al. instead of transmitting the content project data to the camera as disclosed by Seki et al. in view of Bell in order to allow the camera to have more versatility because transmitting information may not be available in all locations.

Regarding claim **37**, this is method claim corresponding to the apparatus claim 25. Therefore, claim 37 is analyzed and rejected as previously discussed with respect to claim 25.

Regarding claim **61**, this is a program recording medium claim corresponding to the apparatus claim 25. Therefore, claim 61 is analyzed and rejected as previously discussed with respect to claim 25. Furthermore, the computer disclosed by Seki et al. has a CPU that would store the program.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather R. Jones whose telephone number is 571-272-7368. The examiner can normally be reached on Mon. - Thurs.: 7:00 am - 4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

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Heather R Jones
Examiner
Art Unit 2621

HRJ
October 15, 2007



ANDREW Y. KOENIG
PRIMARY PATENT EXAMINER